

**COPY**

Atty. Dkt. No. 065691-0216

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jean-Claude CHERMANN et al.

Title: VACCINE AGAINST INFECTIOUS AGENTS HAVING AN  
INTRACELLULAR PHASE, COMPOSITION FOR THE  
TREATMENT AND PREVENTION OF HIV INFECTIONS,  
ANTIBODIES AND METHOD OF DIAGNOSIS

Appl. No.: 09/827,345

Filing Date: 04/06/2001

Examiner: M. G. Hill

Art Unit: 1648

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(d), before payment of the issue fee.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(2) that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of the information disclosure statement.

**FEE**

A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(d) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date April 14, 2004

By Stephen B. Maebius

FOLEY & LARDNER

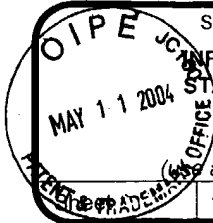
Customer Number: 23533

Telephone: (202) 672-5569

Facsimile: (202) 672-5399

Stephen B. Maebius  
Attorney for Applicant  
Registration No. 35,264

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

|   |   |      |   |  |
|---|---|------|---|--|
|  | Substitute for form 1449B/PTO   |      | <b>Complete if Known</b>                            |  |
|   | <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b><br>(Use as many sheets as necessary) |      | <b>Application Number</b><br>09/827,345             | <b>Filing Date</b><br>04/06/2001             |
|   | 1   | of 2 | <b>First Named Inventor</b><br>Jean-Claude CHERMANN | <b>Group Art Unit</b><br>1648                |
|   |   |      | <b>Examiner Name</b><br>M. G. Hill                  | <b>Attorney Docket Number</b><br>065691-0216 |

| U.S. PATENT DOCUMENTS |                       |                      |                                   |   |   |   |
|-----------------------|-----------------------|----------------------|-----------------------------------|---|---|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|                       |                       | Number               | Kind Code <sup>2</sup> (if known) |   |   |   |
|                       |                       |                      |                                   |   |   |   |

| FOREIGN PATENT DOCUMENTS |                       |                         |                     |                                   |  |   |   |                |
|--------------------------|-----------------------|-------------------------|---------------------|-----------------------------------|--|---|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document |                     |                                   | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |  |   |   |                |
|                          |                       |                         |                     |                                   |  |   |   |                |

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.  | T <sup>6</sup> |
|                                 | A1                    | Pierre CORBEAU et al.; An Early Postinfection Signal Mediated by Monoclonal Anti-B2 Microglobulin Antibody is Responsible for Delayed Production of Human Immunodeficiency Virus Type 1 in Peripheral Blood Mononuclear Cells; Journal of Virology; Apr. 1990; pp. 1459-1464; Vol. 64, No. 4; American Society for Microbiology |                |
|                                 | A2                    | C. DEVAUX et al.; Anti-B2-Microglobulin Monoclonal Antibodies Mediate A Delay in HIV1 Cytopathic Effect on MT4 Cells; 1990; 357-372; 141; Institut Pasteur/Elsevier; Paris  |                |
|                                 | A3                    | Larry O. ARTHUR et al.; Cellular Proteins Bound to Immunodeficiency Viruses: Implications for Pathogenesis and Vaccines; Science; Dec. 18, 1992; Vol. 258; pp. 1935-1938; The American Associate for the Advancement of Science   |                |
|                                 | A4                    | P. GALEA et al.; Identification of a Biological Marker of Resistance to AIDS Progression; Cellular Pharmacology AIDS Sciences; 1996; pp. 311-316; 3, Stockton Press   |                |
|                                 | A5                    | P. GALEA et al.; Identification of a New Virus-Associated Epitope inducing Antibody Responsible for the non Progression to AIDS; 12 <sup>th</sup> World AIDS Conference, Geneva, Switzerland; pp. 17-21; International Proceedings Division   |                |
|                                 | A6                    | P. GALEA et al., A Novel Epitope R7V Common to all HIV-1 Isolates is Recognized by Neutralizing IgG found in HIV-infected Patients and Immunized Rabbits; Vaccine 17; 1999; pp. 1454-1461; Elsevier Science Ltd.  |                |
|                                 | A7                    | P. GALEA et al., Rationale for a Vaccine Using Cellular-Derived Epitope Presented by HIV Isolates; Vaccine 17; 1999; pp. 1700-1705; Elsevier Science Ltd.   |                |
|                                 | A8                    | Camille HASLIN et al.; Anti-R7V Antibodies as Therapeutics for HIV-infected Patients in Failure of HAART; Current Opinion in Biotechnology; 2002; Vol. 13; pp. 621-624; Elsevier Science Ltd  |                |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

- Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

|   |  |                               |                      |
|---|--|-------------------------------|----------------------|
| Substitute for form 1449B/PTO   |  | <b>Complete if Known</b>      |                      |
| <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b><br>(use as many sheets as necessary) |  | <b>Application Number</b>     | 09/827,345           |
|   |  | <b>Filing Date</b>            | 04/06/2001           |
|   |  | <b>First Named Inventor</b>   | Jean-Claude CHERMANN |
|   |  | <b>Group Art Unit</b>         | 1648                 |
|   |  | <b>Examiner Name</b>          | M. G. Hill           |
| Sheet 2 of 2  |  | <b>Attorney Docket Number</b> | 065691-0216          |

| NON PATENT LITERATURE DOCUMENTS |                       |  |                |
|---------------------------------|-----------------------|--|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>6</sup> |
|                                 | A9                    | Jean-Claude CHERMANN; Anti-R7V Antibodies may Protect Some HIV-infected Patients from Developing AIDS: A Conversation with Jean-Claude Chermann; AIDScience; October 11, 2002; 3 pp.; Vol. 20, No. 2; The American Associate for the Advancement of Science    |                |

|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.